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PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC

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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,

**CHIEF EXECUTIVE OFFICER,
A. P. STATE WAQF BOARD**

4th FLOOR, IMDADAGHAR, Opp: KALESWARAO MARKET, VIJAYAWADA.

F.No.04 / M / KNL / 2019.

Date: 29-09-2022.

NANDYAL DISTRICT (ERSTWHILE KURNOOL DISTRICT) - BANAGANAPALLI TOWN - MOSQUE SUNNI KNOWN AS FORT MASJID, BANAGANAPALLI - Sri ALLA BAKASH, S/o Md. IBRAHIM RECOGNIZED AS MUTAWALLI U/SEC.42 OF THE WAQF ACT, 1995 IN PLACE OF HIS GREAT GRANDFATHER Late ABDUL SATTAR.

- Read :**
- 1) Application of Sri Alla Bakash, S/o Md. Ibrahim, dated.22-05-2019.
 - 2) This office Memo dated. 07-06-2019 & 23-06-2021.
 - 3) Application of Smt.Shaik Ghouse Bee, R/o H.No.13/217, Kondapeta, Banaganapalli (M), dated. 28-09-2021.
 - 4) This office Memo of even No., dated.01-11-2021.
 - 5) Report of the Inspector Auditor, Waqfs, Nandyal Division, Kurnool District vide F.No.11/BPL/KNL/2017, dated.01-04-2022.
 - 6) This office Notification dated.30-05-2022.
 - 7) This office endorsement dated. 30-05-2022 issued to Smt.Ghouse Bee, W/o B. Abdul Samad, R/o Banaganapalli (M), Nandyal District.

- 8) Objection filed by Smt. Ghouse Bee, W/o B. Abdul Samad, R/o Bhanumukkala (V), Banaganapalli (M), Nandyal District dated.06-06-2022.
- 9) Report of the Inspector Auditor, Waqfs, Kurnool District F.No.05/NDL/Waqfs/2022, dated.08-06-2022
- 10) Report of the Inspector Auditor, Waqfs, Kurnool District F.No. 05/NDL/Waqfs/2022, dated.20-06-2022
- 11) Board's resolution No. 359/2022, dated 24-08-2022
- 12) Orders of the Hon'ble Chairperson, AP State Waqf Board, dated. 22-09-2022.

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ORDER:

The Waqf institution Known as Sunni Masjid at Fort, Banaganapalli Town and Mandal, Kurnool District is a notified Waqf and got published in AP Gazette No.18-A, Part-II, dated:02-05-1963 under serial No. 1787 at page Nos. 50 & 51. The said institution is having attached landed property in TD No.4 bearing Sy. No.14 to an extent of Ac.17.46 cts situated at Rallakothur Village and in TD No.5 bearing Sy.No.17 to an extent of Ac.13.65 cts situated at Tammadapalli Village total to an extent of Ac.31.11 cts under the Towliath of Abdul Sattar. The Rule of succession to the office of the Mutawalli specified as, "Hereditary by custom".

In reference 1st read above, one Sri S.Alla Bakash, S/o late Md. Ibrahim has submitted an application stating that he is the great grandson of the late notified Muthawalli Abdul Sattar and requested to appoint him as Muthawalli of the subject Waqf institution.

In the reference 3rd read above, another one Smt. Shaik Ghouse Bee resident of Kondapeta, Banaganapalli Town has also submitted application along Xerox copies of the death certificate of S. Abdul Sattar and family members Certificate of S. Abdul Sattar with a request to appoint her as Muthawallia of the subject Waqf institution stating that she is only daughter of the notified Muthawalli late Abdul Sattar.

The above said applications have been referred to the Inspector Auditor, Waqf concerned vide references 2nd & 4th read above directing him to submit detailed factual report along with connected documents for taking necessary action in the matter.

Accordingly, the Inspector Auditor, Waqfs, Nandyal Division, Kurnool District vide reference 5th read above has submitted report, wherein he has informed that the subject Masjid is a notified institution published in the AP Gazette whose details shown above and the Sunni Masjid in Fort is ruined.

Further, the Inspector Auditor Waqfs has reported that, the land situated at Rallakothuru Village was leased out by the AP State Waqf Board for Ek Sala lease and the land situated at Tammadapalle is under the possession of S. Alla Bakash who is the applicant herein. The AP State Waqf Board has accorded permission vide F.No. M7/11/NOC/KNL/2012/Z-IV, dated.15-02-2013 for construction of subject Masjid on the representation of Sri S.Burandeen, President, Sunni Masjid, Banaganapalli. The applicant of Sri.S. Alla Bakash has stated that, he will start the construction of Masjid building as soon as after receipt of the appointment order of Muthawalli for the subject Masjid. There are no court cases and enquiries pending with regard to the subject matter. Due to non entry of legal heirs names of Mutawalli in the Waqf Board records many anti social elements tried to grab the above Waqf lands many times, the applicant Sri. S. Alla Bakash is capable to protect the Waqf land and also to construct the ruined Masjid building and recommended the candidature of S. Alla Bakash as Muthawalli for the subject Waqf institution and submitted the following documents viz., (1) death certificate late Abdul Sattar, (2) death certificate of late Abdul Razack, (3) death certificate of his father Mahammad Ibrahim, (4) family members certificate of late Abdul Razack, (5) family members certificate of late Mohammed Ibrahim, (6) genealogy of late Abdul Sattar signed by the VRO, Bhanumukkala Village, (7) No objection certificate of Meharun Bee, Khajabee, Haneef and Xerox copies of Waqf Fund receipts.

Further, the Inspector Auditor, Waqf has stated that the applicant Smt. Shaik Gouse Bee submitted applications along with certificates. The death certificate submitted by her was found by revenue authorities as tampered which deceased person Abdul Sattar father's name is Rama Saheb. And she has submitted another certificate with different date of death. The given information of Smt. Shaik Gouse Bee seems as controversy and illegal.

The matter has been placed before the Hon'ble Chairperson, APS Waqf Board who after careful examination of the matter has passed orders that (1) to reject the application of Smt. Shaik Ghouse Bee and (2) to issue notification to recognize Sri Alla Bakash as Muthawalli U/s.42 of the Waqf Act for the subject institution. Accordingly, paper notification vide reference 6th read above issued for publication and an endorsement to Smt. Shaik Ghouse Bee vide reference 7th read above was issued rejecting her application.

In the reference 8th read above, Smt.Gouse Bee has filed objection reiterating her earlier contention and the Inspector Auditor, Waqfs has forwarded the said objection along with his report vide reference 9th read above.

Vide reference 10th read above, the Inspector Auditor, Waqf has reported that the notification dated.30-05-2022 was published in the Andhra Jyothi Telugu daily District of Nandyal on 04-06-2022 and Smt Gouse Bee has filed an objection petition without any documentary evidence/ proofs against the notification, the Board has rejected her claim by giving an endorsement dated.30-05-2022.

The Inspector Auditor, Waqf has requested to appoint Sri. S.Alla Bakash, S/o. S.Md. Ibrahim as Mutawalli U/sec. 42 of Waqf Act, 1995 for the Sunni Fort Masjid in place of his great grandfather for re-construction of Masjid building.

The matter has been placed before the Board and the Board resolved resolution No.359/2022, dated.24-08-20220 vide ref.12th read above that "the matter has been discussed in length and unanimously resolved to recognize Sri Alla Bakash S/o Md. Ibrahim, as Muthawalli U/sec. 42 of the Waqf Act, 1995 in place of his great grandfather late Abdul Sattar for Sunni Mosque known as Fort Masjid, Banaganapalli Town, Nandyal District (Erstwhile Kurnool District)".

Accordingly, Sri S.Alla Bakash S/o Md. Ibrahim is hereby recognized as Muthawalli U/sec. 42 of the Waqf Act, 1995 in place of his great grandfather late Abdul Sattar for Sunni Mosque known as Fort Masjid, Banaganapalli Town, Nandyal District for managing the affairs of the subject Waqf Institution by following Waqf Act, 1995 and Waqf Rules.

The Mutawalli should discharge his legitimate duties strictly as determined in Section 50 of Waqf Act, 1995 read with Rule 20 of A.P. Waqf Rules, 2000 and should follow the instructions issued by the Board from time to time. He should submit the Accounts U/sec.46 and Budget U/sec.44 of Waqf Act, 1995 and pay Waqf fund duly following the provisions laid down U/sec.72 & 77 of Waqf Act, 1995 properly, failing which action will be taken against him U/Sec. 61 and 64 of the Waqf Act, 1995. The following duties assigned to him;

- a) To implement the orders issued by the Board from time to time.
- b) To carry out the directions of the Board
- c) To allow inspection of the Inspector Auditor, Waqfs regarding property, accounts, records, deeds and documents relating thereof.
- d) To discharge all public duties.
- e) To do any other Act which he is Lawfully required to do so or under this Act.
- f) He shall render proper and correct accounts of the Institution and its attached properties and shall not suppress any facts.
- g) That the Mutawalli is restricted to grant lease of Waqf property exceeding one year.

- h) The Mutawalli should follow the Norms fixed in Section 56 of the Waqf Act, 1995 while granting Lease of any agricultural lands. He should follow Lease Rules, 2014 to put open auction through A.P. State Waqf Board.
- i) He will not entitled to expend the Monies of Waqf exceeding @ 10% of the Net annual Income.

As per Sec.101(2) of Waqf Act, 1995, "every Mutawalli of a Waqf, every member of managing committee whether constituted by the Board or under any deed of Waqf, every Executive Officer and every person holding any office in a Waqf shall also be deemed to be a public servant within the meaning of Sec.21 of the Indian Penal Code". As such, for the illegal acts if any, every member of the committee will be liable for penal action. The Mutawalli shall also noted that Sec.3(ee) defined encroacher,

Sec. 52-A explain rigorous punishment up to (2) years and Sec.61 speaks penalty and punishment up to (6) months for the lapses / charges shown therein, hence should act carefully diligently and maintain accounts scrupulously.

The AP State Waqf Board reserves its right to modify / cancel / alter / with hold the order at any time without assigning any reasons thereof.

L. ABDUL KHADIR,
Chief Executive Officer,
A.P. State Waqf Board, Vijayawada.

To
Sri S.Alla Bakash, S/o Md. Ibrahim,
Muthawalli of Sunni Mosque known as Fort Masjid,
Banaganapalli Town and Mandal, Nandyal District.

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